

**PATENT COOPERATION TREATY  
PCT  
INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

15 JAN 2005

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 116004	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. <b>PCT/AU2003/001254</b>	International Filing Date ( <i>day/month/year</i> ) <b>23 September 2003</b>	Priority Date ( <i>day/month/year</i> ) <b>23 September 2002</b>
International Patent Classification (IPC) or national classification and IPC <b>Int. Cl. 7 G09B 7/04, 7/08</b>		
Applicant <b>LEWIS CADMAN CONSULTING PTY LTD et al</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

I	<input checked="" type="checkbox"/> Basis of the report
II	<input type="checkbox"/> Priority
III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input checked="" type="checkbox"/> Lack of unity of invention
V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/> Certain documents cited
VII	<input type="checkbox"/> Certain defects in the international application
VIII	<input type="checkbox"/> Certain observations on the international application

Date of submission of the demand <b>3 February 2004</b>	Date of completion of the report <b>23 January 2005</b>
Name and mailing address of the IPEA/AU <b>AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. (02) 6285 3929</b>	Authorized Officer <b>S KAUL</b> Telephone No. (02) 6283 2182

**I. Basis of the report****1. With regard to the elements of the international application:\***

the international application as originally filed.

the description, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of

the claims, pages , as originally filed,  
pages , as amended (together with any statement) under Article 19,  
pages , filed with the demand,  
pages , received on with the letter of

the drawings, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of

the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

the language of publication of the international application (under Rule 48.3(b)).

the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

**4.  The amendments have resulted in the cancellation of:**

the description, pages

the claims, Nos.

the drawings, sheets/fig.

**5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

**IV. Lack of unity of invention**

1. In response to the invitation to restrict or pay additional fees the applicant has:

- restricted the claims.
- paid additional fees.
- paid additional fees under protest.
- neither restricted nor paid additional fees.

2.  This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- complied with.
- not complied with for the following reasons:

Claims 1-20, 39-42 relate to a method/ apparatus for delivering a test to a candidate based on questions delivered from different types and including at least one "swaps" question involving reorganisation of a plurality of images.

Claims 21-38, 43-48 define a method/ apparatus for delivering a test to a candidate for assessing relative cognitive ability based on questions delivered from different types and determining a quantifier based on the answers provided.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- all parts.
- the parts relating to claims Nos.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims 1-48	YES
	Claims	NO
Inventive step (IS)	Claims 1-48	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-48	YES
	Claims	NO

**2. Citations and explanations (Rule 70.7)****CLAIMS 1-48:**

None of the citations in the search report, individually or in combination, disclose the features of the claims. Furthermore, none of the distinguishing features over prior art would either be obvious to a person skilled in the art or would merely amount to adding common general knowledge. The claims are, therefore, novel and inventive.